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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,057	01/20/2004	Larry D. Temple	RSLT3	2014
7590 02/16/2006			EXAMINER	
Robert Samuel Smith 1263 Emory St. San Jose, CA 95126			MICHALSKI, SEAN M	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,057	TEMPLE, LARRY D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sean M. Michalski	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Drawings***

1. The drawings are objected to because number 10, which is referenced in the specification is not labeled in any drawing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

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"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it uses legal phraseology, including the words wherein and said. There are also typographical errors including the use of double commas and no space after the second period. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: in the brief description 'in the yoke s shown' should read --in the yoke as shown--, and 'slitting the sheat should read – slitting the sheath--.

Appropriate correction is required.

### ***Claim Objections***

4. Claim 3 is objected to because of the following informalities: "secued to" should read --secured to--. Appropriate correction is required.
5. Claim 4 is objected to because of the following informalities: "operbly arranged" should read --operably arranged--. Appropriate correction is required.
6. Claim 5 is objected to because of the following informalities: It is in multiple sentence format, "secued to" should read --secured to--. Applicant is reminded that claims should be in single sentence format. Appropriate correction is required.
7. Claim 6 is objected to because of the following informalities: "in oprable order" should read --in operable order--, and "stripping a secion" should read --stripping a section--. Appropriate correction is required.
8. Claim 7 is objected to because of the following informalities: "on and end" should read --on an end--. Appropriate correction is required

### ***Claim Rejections - 35 USC § 112***

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9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 3 recites the limitation "comprising a handle . . . extending through a slot in said handle. . .". It is not clear how the handle is extending through itself.

There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the above sentence will be read, as best understood by the examiner, to mean --a handle . . . extending through a slot in said **tube**--.

11. Claim 4 is generally narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors. The portion "in a direction away from said tube and roll thereby facilitating drawing said cable away through said yoke" is particularly confusing. For the purposes of examination, the above sentence will be read, as best understood by the examiner, to mean --in a direction away from said tube and **roller assembly, the roller facilitates** drawing said cable away through said yoke--.

12. Claim 5 recites the limitation "a handle . . . extending through a slot in said handle. . .". It is not clear how the handle is extending through itself. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the above sentence will be read, as best understood by the examiner, to mean --a handle . . . extending through a slot in said **tube**--.

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13. Claim 5 is generally narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors. The portion "in a direction away from said tube and roll thereby facilitating drawing said cable away through said yoke" is particularly confusing. For the purposes of examination, the above sentence will be read, as best understood by the examiner, to mean --in a direction away from said tube and **roller assembly, the roller facilitates** drawing said cable away through said yoke--.

Applicant is reminded that claims are to be in single sentence format.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Grant (USPN 3,091,031).

16. Regarding Claim 1, Grant discloses the use of a tool for stripping a sheath from an end of a cable which comprises: a tube (26 figure 2); a plunger slideably positioned in said tube (68 figure 8). While the plunger disclosed is not cylindrical, but rectangular, in this instance the rectangular plunger is a functional

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equivalent of the cylindrical plunger, since applicant has not disclosed that the plunger being cylindrical solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a rectangular plunger.

Grant further discloses a yoke being a strip formed into a U shape having one leg (10 figure 3) parallel to another leg (the face opposite 10, figure 3) and a portion (8, figure 2) of said strip with one end integrally joined to an end of one leg and another end of said portion integrally joined to an end of said another leg (as shown in figure 2); said yoke having one of said legs integrally joined to an end of said tube by another strip (14 figure 1) extending from an end of said tube. It has been held that the term integral is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973). Grant further discloses a yoke aligned with said tube to permit that one end of said plunger, sliding toward said yoke, passes between said legs (in figure 2, the plunger assembly is within the yoke). Grant further discloses a spring (27 figure 3), between another end of said plunger and a closed end of said tube, arranged to bias said plunger toward said yoke (spring is under compression). Grant further discloses a knife (24, figure 2). Grant further discloses that the knife be arranged for cutting a longitudinal cut in a section of said sheath (as seen in figure 1, the sheath 44 is being longitudinally cut) Grant further discloses mounting said knife onto "said portion of said yoke", the knife is mounted on the plunger (72 is connected to 68, figure 8) which is in turn



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connected to the yoke. The knife is shown to be mounted to the yoke via the plunger.

17. Regarding claim 3, Grant further discloses a handle (112 figure 7) having one end secured to said plunger (via threads 100, and threads 76, figure 7) and extending through a slot in said tube (112 extends through a portion of the tube 120, figure 8), which is arranged to permit a user to withdraw said plunger from said yoke (col. 4, lines 25-35).

18. Regarding claim 4, Grant further discloses a roller (74, figure 8) mounted on one end of said plunger, with an axis of rotation perpendicular to said plunger (figure 2) and operably arranged to contact a cable positioned between the legs of said yoke (figure 1) providing that when said cable is pulled through said yoke in a direction away from said tube and **roller assembly, the roller facilitates** drawing said cable away through said yoke (figure 1).

Regarding claim 7, Grant further discloses a screw (76, figure 8) with a knife mounted on an end of said screw (74, figure 8), said yoke having a threaded hole. (19, figure 3)

***Allowable Subject Matter***

19. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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21. Claim 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

22. The following is a statement of reasons for the indication of allowable subject matter: In the prior art there was no use of "a hairpin strip assembly" used for attaching a knife to a wire sheath slitter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571- 272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SMM

A handwritten signature in black ink, appearing to read 'D. H. Banks', with a long horizontal line extending to the right.

**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**